

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division

BENJAMIN MOSTAED, on behalf of)
himself and all others similarly)
situated)
Plaintiff,)
v.) Case. No. 3:11-CV-079-REP
JAMES B. CRAWFORD,)
ROBERT H. FOGLESONG,)
RICHARD M. GABRYS,)
ROBERT B. HOLLAND,)
BOBBY R. INMAN,)
DAN R. MOORE,)
BAXTER F. PHILLIPS, JR.,)
STANLEY C. SUBOLESKI,)
LINDA J. WELTY, MASSEY ENERGY)
COMPANY, and ALPHA NATURAL)
RESOURCES, INC.,)
Defendants.)

MOTION FOR A PROTECTIVE ORDER TO STAY DISCOVERY

Defendants, James B. Crawford, Robert H. Foglesong, Richard M. Gabrys, Robert B. Holland, Bobby R. Inman, Dan R. Moore, Stanley C. Suboleski, Linda J. Welty, Baxter F. Phillips, Massey Energy Company and Alpha Natural Resources, Inc. (collectively, the “Defendants”), by counsel, hereby move for a protective order to stay discovery. The reasons for the motion are set forth fully in the memorandum in support:

WHEREFORE, Defendants respectfully submit that a protective order should issue staying all discovery in this matter until the later of: (1) resolution of the parallel Delaware Action; (2) appointment of a lead plaintiff in this matter pursuant to the requirements of the PSLRA; or (3) the lifting of the mandatory PSLRA stay by virtue of

resolution of all contemplated motions to dismiss in this matter. Defendants also respectfully request immediate entry of the attached proposed order to make clear that all discovery, depositions and associated deadlines are stayed until at least such time as the Court has an opportunity to consider these matters at the June 2, 2011, hearing.

**MASSEY ENERGY COMPANY,
JAMES B. CRAWFORD, ROBERT H.
FOGLESONG, RICHARD M. GABRY'S,
ROBERT B. HOLLAND, BOBBY R.
INMAN, DAN R. MOORE, STANLEY
SUBOLESKI, AND LINDA J. WELTY**

By: /s/ Timothy J. St. George
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CERTIFICATE OF SERVICE

I hereby certify that on this 26th day of May 2011, I caused a true and correct copy of the foregoing to be filed on the Electronic Case Filing System, which will send a notice of electronic filing to:

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